IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 12TH NOVEMBER 2007 / 21ST KARTHIKA 1929

Crl.Rev.Pet.No. 929 of 2002()

CRA.17/1999 of ADDL.SESSIONS COURT, KOTTAYAM
ST.212/1995 of JUDL.MAGISTRATE OF FIRST CLASS, ETTUMANUR

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REVN. PETITIONER: APPELLANT/ACCUSED

RAJU S/O.THOMAS, AMBALATHARA HOUSE,
PERUMBAIKATTUSSERY, PERUMBAIKAD, KOTTAYAM

BY ADV. SRI.M.J.THOMAS

RESPONDENTS: RESPONDENT/STATE

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR, SRI C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 12/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NOS.4626/2003, 5110/2002 IN CRL.R.P.NO.929/2002

DISMISSED.

SD/- K.R.UDAYABHANU, JUDGE

12/11/2007

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K.R.UDAYABHANU, J.

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Crl.R.P.No.929 of 2002

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Dated this the 12th day of November, 2007

O R D E R

The revision petitioner is the accused who stands convicted for the offences under Sections 279, 337 and 338 I.P.C. Conviction and sentence for the offence under Section 337 I.P.C are set aside by the lower appellate court and the sentence as modified by the appellate court is to undergo simple imprisonment for one month each for the offences under Sections 338 and 279 I.P.C.

2. The prosecution case is that on 12/09/1994 at about 10.45 a.m the accused drove car bearing Reg.No.KRO 9027 in a rash and negligent manner so as to endanger human life at an excessive speed through Parampuzha road from north to south and hit against an auto rickshaw having Reg.No.KRK 9116 driven by PW.2 that resulted in grievous hurt to PW.2.

3. The counsel for the revision petitioner has only sought for modification of sentence. It is submitted that the incident has taken place more than 12 years back and so far the accused/revision petitioner was facing the criminal proceedings. In the circumstances, the

conviction is confirmed. The sentence imposed for the offence under Section 338 I.P.C is modified to imprisonment till the rising of the court and to pay compensation of rupees seven thousand and five hundred to PW.2 and in default to undergo simple imprisonment for one month. The revision petitioner is granted one months time to remit the amount of compensation. He shall appear before the Judicial Magistrate of the First Class, Ettumanoor, on 18/12/2007 to receive the sentence. No separate sentence is awarded for the offence under Section 279 I.P.C. The criminal revision petition is disposed of as above.

Sd/-

K.R.UDAYABHANU,
Judge

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